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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : **Hon'ble Shri H.L. Dattu, CJ.**

Writ Petition No. 3748 OF 1991.

Petitioner Varis Ali, Aged about 60 years, S/o Shri Inayat Ali, R/o Village Dipadih Khurd, P.O. Shankargarh, District Sarguja (M.P.)

Agriculturist by occupation.

Vs.

Respondent State of Madhya Pradesh through, The Divisional Forest Officer, East Sarguja, Distt. Sarguja M.P.

Petition under Article 226/227 of the Constitution of India.

Present: Shri Prafull Bharat, counsel for the petitioner.
Shri Vinay Harit, Dy. A.G. for the State.

ORAL ORDER
(Passed on 16th April, 2007)

Petitioner claims that he is the owner of land bearing Khasra No. 1/2, Rakba 1-643 hectares consisting of 32 Sal trees and 2 Saja trees. He had made an application before the Collector on 12-2-1986 to permit him to cut and remove the trees from the land in question. The request made by the petitioner had been rejected by the Collector. Aggrieved by the same, petitioner had approached the first Appellate Authority. It appears that the first Appellate Authority had passed an order in his favour and further directed the petitioner to cut the trees and to deposit the trees in the forest depot.

(2) After cutting the trees, it appears that the petitioner had transported the trees to the forest depot and thereafter the forest authority had auctioned the trees.

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(3) In this petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks a direction to the respondent to pay the price of the trees sold in the auction.

(4) The respondent has filed a detailed counter and in the said counter it is categorically stated that the tress which are cut by the petitioner pursuant to the direction issued by the Appellate Authority, were standing on the Government land, therefore, the petitioner is not entitled to the price of the trees sold in the auction.

(5) Before coming to the aforesaid decision, certain enquiries are made by the respondent. The petitioner is also informed about the result of the enquiry. Further, the respondent has directed the petitioner to file an appropriate civil suit to prove the title over the trees standing on the land in question. Instead of approaching the civil Court, the petitioner has rushed to this Court in this petition filed under Articles 226/227 of the Constitution.

(6) Since there is a dispute with regard to the ownership of the trees, in my opinion, the petitioner ought to have filed an appropriate civil Suit instead of approaching this Court by filing the petition under Articles 226/227 of the Constitution.

(7) In that view of the matter, I decline to entertain this writ petition. Accordingly, the petition is rejected.

(8) However, liberty is reserved to the petitioner to file an appropriate civil suit before civil Court, if time so permits. Ordered accordingly.

Sd/-
Chief Justice